

DEPARTMENT OF LAW
Department of Criminal Litigation
Office of Trafficking and Abuse Prevention and Prosecution
(Amendment)

40 KAR 3:020. Protocol for operation of local multidisciplinary teams on child sexual abuse.

RELATES TO: KRS 431.600-431.660, 620.020-620.050

STATUTORY AUTHORITY: KRS 431.600(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 431.600 requires the Kentucky Multidisciplinary Commission on Child Sexual Abuse to develop and the Attorney General to promulgate administrative regulations for a model protocol. The model shall be used by local teams in defining the roles of members in the investigation of child sexual abuse when teams include members in addition to staff from the Department for Social Services and law enforcement.

Section 1. Model Protocol. The Kentucky Multidisciplinary Commission on Child Sexual Abuse shall:

- (a) Review the Model Protocol for revision at least every six (6) years;
- (b) Amend the Model Protocol as necessary;
- (c) Distribute the Model Protocol to local multidisciplinary teams;

Section 2. Local Protocols. (1) KRS 431.600 requires the Kentucky Multidisciplinary Commission on Child Sexual Abuse to approve local protocols. In those instances in which the Commission rejects local protocols submitted by local multidisciplinary teams, the Commission shall provide the reasons for rejection and request revisions and resubmission.

(2) Local protocols shall be approved for no longer than a six year term.

(3) To seek the Commission's review and approval, a local multidisciplinary team shall submit its local protocols to the Kentucky Multidisciplinary Commission on Child Sexual Abuse at 1024 Capital Avenue, Frankfort, Kentucky 40601.

Section 3. Incorporation of Reference. (1) The "Model Protocol for ~~the Operation of~~ Local Multidisciplinary Teams on Child Sexual Abuse, July 2015 ~~[September 1995]~~ Edition", developed by the Kentucky Multidisciplinary Commission on Child Sexual Abuse is hereby incorporated by reference. (2) This document may be inspected, copied or obtained at the Office of the Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m. Monday through Friday. The material incorporated by reference is also available on the Attorney General's Web site at ag.ky.gov.

This is to certify that the Kentucky Multidisciplinary Commission on Child Sexual Abuse adopted the revised Model Protocol, which is incorporated by reference in this regulation, as required by KRS 431.600(1).

DANIEL CAMERON, Attorney General

CAROLINE RUSCHELL, Chair

APPROVED BY AGENCY: August 13, 2021

FILED WITH LRC: August 13, 2021 at 11:20 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 21, 2021, at 1:00 p.m. Eastern Time at 1024 Capital

Center Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Theresa Gargan, Office of the Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky 40601; phone 502-696-5436; email Theresa.gargan@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Theresa Gargan

(1) Provide a brief summary of:

(a) What this administrative regulation does: As required by KRS 431.600, this administrative regulation incorporates by reference the model protocol for local multi-disciplinary teams. This administrative regulation also sets forth the method by which local multidisciplinary teams may submit local protocols for review and approval by the Kentucky Multidisciplinary Commission on Child Sexual Abuse.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to incorporate by reference the model protocol for local multi-disciplinary teams, as required by KRS 431.600. This administrative regulation also sets forth the method for local multidisciplinary teams to submit local protocols for review and approval by the Kentucky Multidisciplinary Commission on Child Sexual Abuse. Although this administrative regulation incorporates by reference the 2015 revisions to the model protocol, the Kentucky Multidisciplinary Commission on Child Sexual Abuse is currently revising the model protocol and anticipates amending this administrative regulation to incorporate those revisions once finished.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 431.600(1) requires the Kentucky Multidisciplinary Commission on Child Sexual Abuse to develop the model protocol governing roles, responsibilities, and procedures for investigating reported or suspected sexual abuse of a child. The authorizing statute requires the Office of the Attorney General to promulgate an administrative regulation that incorporates the model protocol.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 431.600(1) requires the Kentucky Multidisciplinary Commission on Child Sexual Abuse to develop the model protocol governing roles, responsibilities, and procedures for investigating reported or suspected sexual abuse of a child. The authorizing statute requires the Office of the Attorney General to promulgate an administrative regulation that incorporates the model protocol.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment incorporates by reference the most recent version of the model protocol. The Kentucky Multidisciplinary Commission on Child Sexual Abuse is currently revising the model protocol and anticipates amending this administrative regulation to incorporate those revisions once finished.

(b) The necessity of the amendment to this administrative regulation: KRS 431.600(1) requires the Kentucky Multidisciplinary Commission on Child Sexual Abuse to develop the model protocol governing roles, responsibilities, and procedures for investigating reported or suspected sexual abuse of a child. The amendment incorporates by reference the most recent version of the model protocol. The Kentucky Multidisciplinary Commission on Child Sexual Abuse is currently revising the model protocol and anticipates amending this administrative regulation to incorporate those revisions once finished.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 431.600(1) requires the Kentucky Multidisciplinary Commission on Child Sexual Abuse to develop the model protocol governing roles, responsibilities, and procedures for investigating reported or suspected sexual abuse of a child. The authorizing statute requires the Office of the Attorney General to promulgate an administrative regulation that incorporates the model protocol.

(d) How the amendment will assist in the effective administration of the statutes: The amendment incorporates by reference the most recent model protocol, which governs roles, responsibilities, and procedures for investigating reported or suspected sexual abuse of a child. The amendment also sets forth the method by which local multidisciplinary teams may submit local protocols for review and approval by the Kentucky Multidisciplinary Commission on Child Sexual Abuse, as required by KRS 431.600(2).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects the Kentucky Multidisciplinary Commission on Child Sexual Abuse, the Cabinet for Health and Family Services, and 120 local multidisciplinary teams. This administrative regulations also affects law enforcement involved in investigating reported or suspected sexual abuse of a child.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The administrative regulations requires the Kentucky Multidisciplinary Commission on Child Sexual Abuse to review the model protocol on a regular basis. The administrative regulation also identifies how local multidisciplinary teams may submit local protocols for review.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): It is not anticipated that the amendment to this administrative regulation will increase current costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Through regular reviews and revision of the model protocol, the Kentucky Multidisciplinary Commission on Child Sexual Abuse will ensure that it is meeting its statutory obligations.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No increase in funding is anticipated.

(b) On a continuing basis: No increase in funding is anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Office of the Attorney General budgeted funds for the biennium.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is anticipated.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment does not establish or increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied in this administrative regulation because the requirements in this regulation apply only a limited set of state and local agencies.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will impact the Kentucky Multidisciplinary Commission on Child Sexual Abuse and members of each local multidisciplinary team, including children's advocacy centers, law enforcement, prosecutors, and the Department for Community Based Services.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 431.600(1) requires the Kentucky Multidisciplinary Commission on Child Sexual Abuse to develop the model protocol governing roles, responsibilities, and procedures for investigating reported or suspected sexual abuse of a child. The authorizing statute requires the Office of the Attorney General to promulgate an administrative regulation that incorporates by reference the model protocol.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate any revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate any revenue in subsequent years.

(c) How much will it cost to administer this program for the first year? There are no significant additional costs for the Kentucky Multidisciplinary Commission on Child Sexual Abuse or the local multi-disciplinary teams.

(d) How much will it cost to administer this program for subsequent years? The costs for the amendment are not expected to increase costs for the Kentucky Multidisciplinary Commission on Child Sexual Abuse.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Not applicable.

Expenditures (+/-): Not applicable.

Other Explanation: Not applicable.40 KAR 3:020